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In the Supreme Court of the United States

OCTOBER TERM, 1955

No. 15, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

MOTION FOR INJUNCTION RESTRAINING DEFENDANT FROM PROCEEDING IN ANY OTHER COURT AND FOR A STAY

I

On December 11, 1950, this Court entered its decree in the case of *United States* v. *State of Louisiana,* Number 12, Original, declaring the United States to be possessed of paramount rights in and full dominion and power over the submerged lands and minerals of the Gulf of Mexico lying seaward of the ordinary low-water mark on the coast of Louisiana and outside of the inland waters, extending seaward twenty-seven marine miles, and enjoining the State of Louisiana and persons claiming under it from interfering therewith except on prior authorization of the United States. 340 U. S. 899.

II

By the Submerged Lands Act of May 22, 1953, the United States granted to the State of Louisiana the submerged lands and minerals above described, lying within the boundaries of the State, but not extending into the Gulf of Mexico more than three marine leagues from the ordinary low-water mark and outer limit of inland waters. 67 Stat. 29, 43 U. S. C. Supp. II, 1301–1315.

III

The State of Louisiana claims to have received title under said Submerged Lands Act to a very large area of submerged land which the United States claims lies seaward of the boundary of the State and so did not pass to the State under said Act. On December 19, 1955, the United States applied to this Court for leave to file its complaint herein against the State of Louisiana to quiet its title to the disputed area. On March 26, 1956, this Court entered its order granting leave to file the complaint and requiring the State of Louisiana to respond thereto within thirty days. 350 U. S. 990.

IV

On April 10, 1956, the State of Louisiana applied for an extension of time to June 25, 1956, within which to answer, upon the ground that such extension was made necessary by the change

in State administration, taking place on May 16, 1956. That application was not opposed by the United States and was granted by this Court on April 16, 1956. The State of Louisiana has not yet filed its answer herein.

V

From time to time the United States has issued oil and gas leases, and has permitted maintenance of State-issued oil and gas leases, under the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 43 U. S. C. Supp. II, 1331–1343), of submerged lands lying seaward of those granted to the State of Louisiana by the Submerged Lands Act.

VI

On May 11, 1956, the State of Louisiana filed in the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana, its petition against Edward Woozley, Director of the Bureau of Land Management, Department of Interior, Sidney Groom, Manager of the Outer Continental Shelf Office of the Bureau of Land Management at New Orleans, and twenty-four oil companies. Said action is entitled *State of Louisiana* v. *Anderson-Pritchard Oil Corporation, et al.*, Number 38780. The petition alleges that Louisiana "has, at all times, exercised exclusive ownership, possession, use and administration" of

the disputed submerged lands and minerals "continuously since she was admitted into the Union," and that title was confirmed in Louisiana by the Submerged Lands Act. Louisiana seeks a restraining order and temporary and permanent injunctions restraining the defendants from trespassing on said lands, from proceeding with a lease sale noticed for May 15, 1956, or from interfering in any way with said lands and minerals. It prays for appointment of a curator ad hoc to represent defendant Edward Woozley, who is not present in Louisiana and whose office is in Washington, D. C. On the same day, the court appointed a curator ad hoc and issued a restraining order as prayed.

VII

Acting through the United States Attorney for the Western District of Louisiana, the United States attempted to remove this cause to the United States District Court for that district. The United States District Court ordered a partial remand to the state court, stating that it should not take the case while a proceeding to determine the same issue was pending before the Supreme Court, but the matter is still pending before it on a petition for rehearing. The sale of leases scheduled for May 15, 1956, has been postponed.

VIII

This action by the State of Louisiana in bringing and prosecuting the suit above described is an attempt to circumvent the jurisdiction of this Court by securing an adjudication in the courts of the State of the same questions concerning the same submerged lands which are in issue before this Court in the above-entitled cause. The State court is without jurisdiction to interfere with the conduct of officials of the United States in performance of their official duties, but the State has by inducing the State court to enter the order subjected federal officials and those claiming under Federal laws to the risk of contempt proceedings. This will work a great and irreparable injury to the United States.

WHEREFORE, the United States prays that this Court issue an injunction, restraining the State of Louisiana from proceeding with said suit or seeking to enforce the restraining order issued therein against the United States or those claiming under it or proceeding in any other court on the issue now pending in this Court, and, if this motion cannot be determined on its merits during the present term of Court, to order a stay of the State Court proceedings, either in the State court or as removed to the federal District Court, pending a determination on the present motion.

The United States further prays that the State of Louisiana be required to respond to this motion within seven days rather than the twenty days provided in Rule 35.

HERBERT BROWNELL, JR.,
Attorney General.

SIMON E. SOBELOFF,
Solicitor General.

J. LEE RANKIN,
Assistant Attorney General.

MAY 1956.

In the Supreme Court of the United States

OCTOBER TERM, 1955

No. 15, Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF LOUISIANA

BRIEF IN SUPPORT OF MOTION FOR AN INJUNCTION

JURISDICTION

On March 26, 1956, this Court entered its order granting the United States leave to file its complaint in this cause. The State of Louisiana has not yet filed its answer. The jurisdiction of this Court is invoked under 28 U. S. C. 1651.

STATUTE INVOLVED

Generally there are involved the Submerged Lands Act, 67 Stat. 29, 43 U. S. C. (Supp. II) 1301–1315, and the Outer Continental Shelf Lands Act, 67 Stat. 462, 43 U. S. C. (Supp. II) 1331–1343. However, the matter here presented to the Court on this motion does not depend on any specific provision of those Acts.

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QUESTION PRESENTED

Whether, after an original action by the United States dealing with the title to submerged lands off the coast of the United States and beneath the marginal sea has been accepted for filing in this Court, the defendant State should be enjoined from attempting to litigate the same issue in any other court.

STATEMENT

On June 5, 1950, this Court entered its opinion in *United States* v. *Louisiana*, 339 U. S. 699, holding that the United States had paramount rights in the submerged lands off the coast of Louisiana up to mean low water and outside inland water. An order enjoining Louisiana from interfering with those rights was issued on December 11, 1950, 340 U. S. 899.

Subsequently, the Submerged Lands Act, 67 Stat. 29, 43 U. S. C. (Supp. II) 1301–1315, became law. Under this Act Louisiana was vested with title to all submerged lands within its historic boundaries, but extending no more than three leagues into the Gulf of Mexico. The constitutionality of the Submerged Lands Act was sustained in *Alabama* v. *Texas*, 347 U. S. 272.

In addition, the United States has proceeded to confirm prior state oil and gas leases and issue new leases off the coast of Louisiana pursuant to the provisions of the Outer Continental Shelf

Land Act, 67 Stat. 462, 43 U. S. C. (Supp. II) 1331–1343.

Meanwhile, a dispute has arisen between Louisiana and the United States with respect to the extent of the lands granted the former under the Submerged Lands Act. This led to the institution of an original suit in this Court to resolve that issue. The Court granted the United States leave to file its complaint on March 26, 1956. 350 U. S. 990. Louisiana, having obtained an extension of time, has not yet answered.

On May 11, 1956, Louisiana commenced an action in the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana, naming as defendants two employees of the Department of Interior and twenty-four oil companies. In this suit Louisiana asserted it held title to submerged lands leased and being leased by the United States, and asked for injunctive relief. A copy of the complaint is attached hereto as Appendix A. The State court on the same day issued a restraining order to prevent the employees of the Interior Department from carrying through an advertised sale of leases set for May 15, 1956, and preventing the oil company defendants from bidding, attached hereto as Appendix B. Although the United States attempted to get relief from the restraining order through a removal proceeding to the United States District Court for the

Western District of Louisiana and through a petition for an injunction in the same court, the removal proceeding was remanded as against the United States officials and the injunction was denied. A petition for rehearing is now pending.

The Interior Department postponed its offering of oil leases previously scheduled for May 15, 1956.

REASONS FOR GRANTING THE MOTION

An examination of Louisiana's complaint in the State court proceeding and the complaint of the United States in *United States* v. *State of Louisiana,* No. 15 Original, this Term, shows that without question the State of Louisiana is seeking to litigate in the proceeding commenced by it in the State court the very issue which is before this Court in No. 15, Original, namely the width of the submerged lands granted to Louisiana by the Submerged Lands Act. Not only is this legal issue common to the two cases, but the submerged lands involved are the very same. While the United States was not named as a party in the suit in the State court, two officials of the Department of Interior were and the prayer for relief covers their actions as officials of the United States. Therefore, it is apparent that what Louisiana is attempting to do is to try out in its own State court an issue which is already before this Court. This is, we submit, improper, and Louisiana can and should be enjoined from proceeding further.

I

THIS CASE IS ONE IN WHICH INJUNCTIVE RELIEF AGAINST TRIAL IN ANOTHER COURT IS APPROPRIATE AND NECESSARY

This is not the kind of case which can be carried on in two courts at once, as is possible with certain purely *in personam* actions. Here, we have a definite *res,* the submerged lands off the coast of Louisiana, which can be leased, drilled into, and from which oil and gas can be produced only in accordance with the directions of a single jurisdiction. At the present time a restraining order is outstanding issued by a State court forbidding action by certain federal officers as well as operations by lessees. At that same time the injunction against the State issued by this Court in the original case of *United States* v. *Louisiana,* 340 U. S. 899, is also outstanding. These two orders are essentially in conflict with each other. The only way they can be reconciled is for neither State nor Federal officials, nor the lessees of either, to do anything at all in the disputed area—a solution which would delay indefinitely the development of the area and result in great loss to the lessees for large sums already expended there.[1]

---

[1] As pointed out in Paragraph VII of the Complaint in this case, the United States has issued leases in the submerged lands in question, and lessees are presently carrying on drilling and production activities in the area.

This case thus presents the classic example of the situation where the courts have no reasonable method for bringing order out of chaos except by requiring the parties to proceed in one court only. As this Court stated in *Kline* v. *Burke Construction Co.*, 260 U. S. 226, at 235:

> The rank and authority of the [federal and state] courts are equal but both courts cannot possess or control the same thing at the same time, and any attempt to do so would result in unseemly conflict. The rule, therefore, that the court first acquiring jurisdiction shall proceed without interference from a court of the other jurisdiction is a rule of right and of law based upon necessity, and where the necessity, actual or potential, does not exist, the rule does not apply. Since that necessity does exist in actions *in rem* and does not exist in actions *in personam,* involving a question of personal liability only, the rule applies in the former but does not apply in the latter.

See also *Toucey* v. *N. Y. Life Insurance Co.*, 314 U. S. 118.

It is appropriate that jurisdiction be maintained in this Court not only because it first took the case, but, and even more important, because of the nature of the issues here involved. As was pointed out in the brief of the United States in support of its motion for leave to file its complaint (Br. 15–17) and again in the reply memo-

randum (Reply Mem. 1–4), this case involves very delicate problems of international law and foreign relations, since it turns mainly on a determination of the external boundary of the United States. The dispute is between the United States and an individual State, which in itself gives rise to doubts that it should or could be tried in a State court, and the issues are also, as we have said, of serious international import. See *United States* v. *California*, 332 U. S. 19, 34–36.

Since this is not a case that can be tried in two jurisdictions simultaneously, and since this Court not only has priority, but is the only appropriate court for the settlement of the controversy between the United States and Louisiana, the parties should be required to try it there alone.

II

AN INJUNCTION AGAINST PROCEEDING IN A STATE COURT IS NOT FORBIDDEN BY 28 U. S. C. 2283

Section 2283 of Title 28 provides:

> A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

We submit that this provision does not bar the relief here requested because this injunction

falls within the specific exception as "necessary in aid of its [the Federal court's] jurisdiction", and secondly, because the provision is, in any event, inapplicable to the United States.

A. THE INJUNCTION HERE REQUESTED IS NECESSARY TO PRESERVE THE JURISDICTION OF THIS COURT

As pointed out above, the classic example of the situation where an injunction is necessary to preserve the jurisdiction of a court is where a suit respecting a specific *res* has been commenced in one court (*supra*, p. [12]). There it has always been held that the court can protect its jurisdiction by enjoining subsequent proceedings in another court. *Covell* v. *Heyman*, 111 U. S. 176; *Kline* v. *Burke Construction Co.*, 260 U. S. 226; *Toucey* v. *New York Life Insurance Co.*, 314 U. S. 118; *Baltimore and Ohio Railroad Co.* v. *Wabash Railroad Co.*, 119 Fed. 678 (C. A. 7). And such a situation has been recognized as falling within the exception to § 2283 of Title 28. See *Amalgamated Clothing Workers* v. *Richman Brothers Co.*, 348 U. S. 511, 514–515.

In addition, this case is one which is by its nature exclusively triable in a Federal court. In the first place, the issue involved is the right of the United States to certain property, the type of issue which has often been held triable in a federal court exclusively. *United States* v. *Imaba*, 291 Fed. 416 (E. D. Wash.); *United States* v. *McIntosh*, 57 F. 2d 573 (E. D. Va.), appeal dis-

missed, 70 F. 2d 507 (C. A. 4); *United States* v. *Babcock,* 6 F. 2d 160 (D. Ind.), modified on other grounds, 9 F. 2d 905 (C. A. 7); *United States* v. *Cain,* 72 F. Supp. 897 (W. D. Mich.); *United States* v. *Phillips,* 33 F. Supp. 261 (N. D. Okla.), vacated on other grounds, 312 U. S. 246; *Leiter Minerals* v. *United States,* 224 F. 2d 381 (C. A. 5), certiorari granted, 350 U. S. 964. In all these cases, actions in State courts were enjoined.

Secondly, the action in the State court, although not naming the United States as a party, does raise the issue of the right of the United States to certain property and seeks to enjoin federal officers from performing official duties in connection with that property; therefore, the action is in the nature of a suit against the United States which cannot proceed without the consent of Congress that the United States be sued. *E. g. Minnesota* v. *Hitchcock,* 185 U. S. 373; *Oregon* v. *Hitchcock,* 202 U. S. 60; *Louisiana* v. *Garfield,* 211 U. S. 70; *Larson* v. *Domestic & Foreign Commerce Corp.,* 337 U. S. 682. The State court, therefore, has no jurisdiction over the United States and the retention of jurisdiction in this Court is necessary for an adjudication of the dispute.

B. SINCE THE UNITED STATES IS NOT SPECIFICALLY NAMED IN 28 U. S. C. 2283, THE PROHIBITION IS INAPPLICABLE TO IT

In *United States* v. *United Mine Workers,* 330 U. S. 258, this Court held the prohibitions of the Norris-LaGuardia Act against injunction in labor

disputes was not applicable to a suit by the United States. The Court stated at page 272, "Statutes which in general terms divest pre-existing rights or privileges will not be applied to the sovereign without express words to that effect."

This rule would seem applicable to the present statute. There can be no doubt that there was a pre-existing right in the United States to sue for an injunction in this type of case. *Toucey* v. *New York Life Insurance Co.*, 314 U. S. 118, 134–136. It may not be assumed that this right would have been erased without specific reference to the United States.

In *United States* v. *Taylor's Oak Ridge Corp.*, 89 F. Supp. 28, 32 (E. D. Tenn.), a United States District Court, in following the rule of law set forth above, held that, "The rule of comity which has been made into statute, 28 U. S. C. A. § 2283, is not applicable where the United States is complainant, for the reason that the sovereign is not included within its terms. *Dollar Savings Bank* v. *United States,* 19 Wall. 227; *United States* v. *Herron,* 20 Wall. 251; *Stanley* v. *Schwalby,* 147 U. S. 508; *United States* v. *Sherwood,* 312 U. S. 584."

III

THE RELIEF REQUESTED IS APPROPRIATE

This cause is submitted to the Court late in the Term not as a matter of choice by the United

States, but because the action in the State court was only recently instituted. Though the timing of the motion makes it difficult to present the matter fully, it is submitted that the case cannot wait until the next Term without great injury to the United States and its lessees.

If the Court cannot make a final determination on our motion in view of the time element, we submit that it should act to stay the State court proceedings until the present motion can be decided.

In view of the lateness of the Term, it is also requested that Louisiana be required to respond to this motion in seven days.

Respectfully submitted.

HERBERT BROWNELL, JR.,
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SIMON E. SOBELOFF,
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J. LEE RANKIN,
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OSCAR H. DAVIS,
JOHN F. DAVIS,
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J. DWIGHT EVANS,
Attorney.

MAY 1956.

APPENDIX A

14th Judicial District Court, Parish of Calcasieu, State of Louisiana

Number 38780

STATE OF LOUISIANA

vs.

ANDERSON-PRITCHARD OIL CORPORATION, ET AL.

PETITION

To the Honorable Judge of the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana:

The petition of the State of Louisiana appearing herein by its Attorney General and the undersigned counsel with respect shows:

1.

Plaintiff, the State of Louisiana, is a sovereign state of the United States and as such has full ownership, use, administration and control of all lands within its seaward boundaries as defined in the Act of Congress of April 8, 1812, 2 Stat. 701, 703, admitting this State into the Union, and the Act of April 14, 1812, 2 Stat. 708, extending its boundaries, said boundaries extending three leagues from the Louisiana coast seaward into the Gulf of Mexico.

2.

The corporate defendants against whom this action is brought and their Louisiana Agents for service of process are as follows:

Corporation name	State where organized	Agents for service of process
Anderson-Pritchard Oil Corp.	Delaware	C. T. Corporation System, 321 St. Charles, New Orleans.
The California Oil Co.	Delaware	Charles E. Dunbar, Jr., Sumpter D. Marks, Jr., Louis B. Claverie, Ashton Phelps, New Orleans.
Continental Oil Company	Delaware	H. Payne Breazeale and Victor Sachse, 315 Main St., Baton Rouge.
Cities Service Production Co.	Delaware	Frank William Hart, 2102 American Bank Bldg., New Orleans. U. S. Corporation Co., 2102 American Bank Bldg., New Orleans.
Atlantic Refining Co.	Pennsylvania	C. T. Corporation System, 321 St. Charles, New Orleans.
Tidewater Associated Oil Co.	Delaware	H. Payne Breazeale, Victor Sachse, Baton Rouge.
Forest Oil Corporation	New York	C. T. Corporation System 321 St. Charles, New Orleans.
Gulf Refining Company	Delaware	Frederick Greer and I. R. Graves, Texas Eastern Bldg., Shreveport.
Humble Oil & Refining Co.	Texas	Tinsley Gilmer and Charles Janvier, New Orleans.
Hunt Oil Company	Delaware	W. O. Woodward, Shreveport.
Kerr-McGee Oil Ind. Inc.	Delaware	U. S. Corporation Co., 2102 American Bank Bldg., New Orleans.
Magnolia Petroleum Co.	Texas	Dixon Carter, Shreveport.
The Ohio Oil Company	Ohio	C. T. Corporation System, 321 St. Charles, New Orleans.
Pan-American Production Co.	Delaware	J. B. Holloman, Jr., Lake Charles.
Phillips Offshore Oil Co.	Delaware	U. S. Corporation Co., 2102 American Bank Bldg., New Orleans.
Placid Oil Company	Delaware	B. B. Barber, Shreveport.
The Pure Oil Co.	Ohio	C. T. Corporation System, 321 St. Charles, New Orleans.
Seaboard Oil Co.	Delaware	U. S. Corporation Co., 2102 American Bank Bldg., New Orleans.
Shell Oil Company	Delaware	Breazeale, Sachse and Wilson, Attorneys, Baton Rouge.
Sinclair Oil & Gas Co.	Maine	Breazeale, Sachse and Wilson, Attorneys, Baton Rouge.
Stanolind Oil and Gas Co.	Delaware	T. F. Porter, Weber Bldg., Lake Charles.
The Superior Oil Co.	Delaware	Esmond Phelps, Charles Dunbar, Jr., Sumpter Marks, Louis Claverie, New Orleans.
Sun Oil Company	New Jersey	Alvin O. King, Richard A. Anderson, 515 Weber Bldg., Lake Charles, Louisiana.
The Texas Company	Delaware	Richard Lake, The Texas Company Bldg., New Orleans.
Union Oil Co. of California	California	T. F. Porter, Weber Bldg., Lake Charles.

3.

The individual defendants against whom this action is brought are: Sidney Groom, a resident of Orleans Parish, Louisiana, Manager of the Outer Continental Shelf Office, Bureau of Land Management, 608 Masonic Temple Building, New Orleans, Louisiana, and Edward Woozley, United States Department of the Interior, Director of the Bureau of Land Management, United States Department of the Interior, who resides in Washington, D. C.

4.

Louisiana is the holder and owner of the fee simple title to all submerged lands, and natural resources lying and extending three leagues, or 10½ miles seaward from her coast into the Gulf of Mexico, and has, at all times, exercised exclusive ownership, possession, use and administration of said lands, and natural resources in the said marginal belt of lands and waters continuously since she was admitted into the Union, and is presently exercising her rights and prerogatives of ownership thereto, subject only to the rights of the United States in matters of National defense and in the regulation of navigation and interstate and foreign commerce. Said acts of ownership and possession have consisted of the policing, leasing, licensing, development and operation of said lands for the production and sale of oil, gas, sulphur, salt, sand, shells and other minerals, and the planting, cultivation, production and taking of oysters, shrimp, fish and other things of value in or under said lands and waters.

5.

The Act of Congress admitting Louisiana into the Union of the United States of America, which said Act is found in 2 Stat. 701, 703, and in Chapter 50 of the United States Statutes at Large, Volume 2, page 701, approved April 8, 1812, described the boundaries of the State of Louisiana, as follows, in the preamble thereto:

> "Whereas, the representatives of the people of all that part of the territory or country ceded under the name of 'Louisiana', by the treaty made at Paris on the 30th day of April, 1803 (8 Stat. at L. 200), between the United States and France, *contained within the following limits*, that it is to say: *Beginning at the mouth of the river, Sabine*, thence by a line drawn along the middle of said river, including all islands to the 32d degree of latitude; thence due north to the northernmost part of the 33d degree of north latitude; thence along the said parallel of latitude to the River Mississippi; thence down the said river to the River Iberville, and from thence along the middle of said river and lakes Maurepas and Pontchartrain to the Gulf of Mexico; *thence bounded by the said gulf to the place of beginning,* including all islands *within three leagues of the coast"* etc. [Emphasis ours.]

The same limits or boundary was defined in the original Louisiana Constitution of 1812.

6.

The Treaty between the French Republic and the United States concerning the Cession of Lou-

isiana, signed at Paris, France, the 30th day of April, 1802, declared that France had incontestable title to the domain and possession of the colony or province of Louisiana, with the same extent that Spain held it, and that it was when France possessed it, and that France ceded the said territory to the United States, including the adjacent islands belonging to Louisiana and all vacant lands and public squares, and provided that the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the federal constitution. In this connection plaintiff shows that France held exclusive dominion, title to and possession of Louisiana, its lands, rivers, coasts and seas to the 27th parallel of latitude, said latitude extending seaward about forty leagues into the Gulf of Mexico, by virtue of the Proclamation of LaSalle on April 9, 1682, and held such ownership and possession until November 3, 1762, when it ceded the Louisiana Territory to Spain by the Treaty of St. Ildefonso. Thereafter Spain owned and possessed said territory until it was retroceded to France on October 1, 1800. During said period of Spanish dominion Spanish jurisdiction and ownership was recognized by Great Britain in a treaty signed at the Escurial on October 28, 1790, as extending ten leagues seaward into the Gulf of Mexico and such ownership and jurisdiction was never questioned by any nation. Accordingly the United States was bound by the Treaty of Paris of April 30th, 1803 (the Louisiana Purchase) to recognize and protect Louisiana's title

to the 27th degree of latitude in the Gulf of Mexico, and in any event to the extent that Spain possessed it ten leagues seaward into said Gulf.

7.

Pursuant to Act of Congress (2 Stat. 283), approved March 26, 1804, the United States divided the Louisiana Territory into two territories and designated all of that portion ceded to it by France which lies South of an east and west line commencing on the Mississippi River at the 33rd degree of North latitude and extending west to the western boundary of said cession as the Territory of Orleans. Said Territory of Orleans included all of the lands and waters south of said line without exception, and included the marginal belt extending from the coast of Louisiana ten leagues seaward into the Gulf of Mexico which had been the property of Spain and France during the periods of their respective ownership thereof.

By Act of Congress of February 20, 1811, ch. 21, the people of the Territory of Orleans were authorized to form a constitution for admission of the State into the Union. This Act fixed the same boundaries for the Territory of Orleans as were later defined in the Act of April 8, 1812, for the admission of Louisiana as a State into the Union. as shown in paragraph 5 above.

8.

The boundaries of the State of Louisiana in the Gulf of Mexico were considered by the Supreme Court in the case of *Louisiana* v. *Mississippi,* 202

U. S. 1, 50 L. ed. 913, 26 S. C. 408–9 et seq., and the Court's decision in that case recognized and approved its seaward boundaries three leagues from coast into the Gulf of Mexico, as defined in said Act of April 8, 1812 and as shown by a certain map designated as Diagram No. 1, a copy thereof being on file in the record of said case and appears in the above official reports thereof. Plaintiff further shows that the United States has at all times recognized the fact that States and nations bordering the Gulf of Mexico are entitled to the ownership and possession of submerged lands in said Gulf extending seaward at least three leagues and has evidenced such recognition by treaties with the Republic of Mexico on February 22, 1819, January 12, 1828, February 2, 1848, and December 30, 1853; by Senate Resolution of March 1, 1837 recognizing the independence of Texas and the Treaty of Annexation of Texas concluded in December, 1845; and by Congressional Act of 1868 (15 Stat. 73) approving the Constitution of Florida and fixing its limits three leagues seaward into the Gulf of Mexico. The "equal footing" clause of the United States Constitution accordingly compels recognition of Louisiana's claim to and ownership of all submerged lands lying three leagues seaward from its coast into the Gulf of Mexico.

9.

The Act of Congress of February 10, 1807, approved by Thomas Jefferson as President of the United States, provided authority in the President of the United States for surveying the

coasts of the United States within *20 leagues of any part of the shores of the United States.* In 1895 this authority was vested in the Secretary of the Treasury, when, by Act of Congress of February 19, 1895, c. 102, Section 2, 28 Stat. 672 (33 U. S. C. 151), the Secretary of the Treasury was authorized and directed to designate and define by suitable bearings or ranges with light houses, light vessels, buoys and coast objects, the lines dividing the high seas from rivers, harbors and inland waters.

By Section 4 of the Act of Congress of February 14, 1903, and Section 1 of the Act of Congress of March 4, 1913, this authority was vested in the Secretary of Commerce. By 1946 Reorganization Plan No. 3, Sections 101, 104, effective July 16, 1946 (11 F. R. 7875), 60 Stat. 1097, the authority to establish, designate and define the coast line of the United States under said Acts of Congress was vested in the Commandant of the Coast Guard.

Pursuant to the aforesaid Acts of Congress the line dividing Louisiana's inland waters from the high sea, or Gulf of Mexico, was designated and defined as shown by a map upon which the Commandant of the Coast Guard officially indicated said coast line in broken lines extending from the entrance to Mobile Bay to the Rio Grande River, including the entire coast line of the State of Louisiana.

Said coast line of Louisiana is designated and defined in CG–169, March 1, 1955, pp. 55–6 and 58, Sections 82.1, 82.95, and 82.103.

Section 82.95 designates and defines the coast line or outer boundary of the inland waters from

Mobile, Alabama to Mississippi Passes, La., as follows:

> Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Lighthouse; thence to Chandeleur Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleur Islands to the southwesternmost extremity of Errol Shoal (Lat. 29°35.8′ N., Long. 89°00.8′ W.); thence to Pass a Loutre Lighted Whistle Buoy 4.

Section 82.103 designates and defines the coast line or outer boundary of inland waters from Mississippi Passes, La., to Sabine Pass, Texas, as follows:

> A line drawn from Pass a Loutre Lighted Whistle Buoy 4 to South Pass Lighted Whistle Buoy 2; thence to Southwest Pass Entrance Mid-channel lighted whistle Buoy; thence to Ship Shoal Lighthouse; thence to Calcasieu Pass Lighted Whistle Buoy 1; thence to Sabine Pass Lighted Whistle Buoy 1.

That said coast line, or outer boundary of the inland waters of the State of Louisiana is also officially shown at the same locations as designated and defined by the agencies of the federal government authorized by the aforesaid Acts of Congress on U. S. Coast and Geodetic Charts Nos. 1270 and 1272 to 1279, both inclusive.

10.

The Legislature of the State of Louisiana passed Act No. 33 of 1954 redefining its historic gulfward boundary by accepting and approving its coast line as designated and defined in accordance with applicable Acts of Congress, referred to in paragraph 9 above, and by stating that the Act of Congress of April 8, 1812, which admitted Louisiana as a State in the Union, defined and fixed its boundary at 3 leagues from coast into the Gulf of Mexico. Attached to and made a part of said Act is a map showing said coast line and three leagues from coast boundary line, all of which is made part hereof by reference thereto.

11.

By Act of Congress of May 22, 1953, c. 65, 67 Stat. 29, 43 U. S. C. 1301, et seq., known as the "Submerged Lands Act", the United States disclaimed title to and recognized, confirmed, established and vested in the coastal states, including Louisiana, title to and ownership of the lands beneath navigable waters and the natural resources within such lands and waters, within the boundary line of said States, as it existed at the time such State became a member of the Union, including the right and power to manage, administer, lease, develop and use the said lands and natural resources, and the United States further released and relinquished unto said States, including Louisiana, all right, title and interest of the United States, if any it had, in and to the submerged lands along the coast of said states not

more than three marine leagues into the Gulf of Mexico from the coast line of said states, and defined the term "coast line" to mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

Said coast line, as the line marking the seaward limit of inland waters, was and is, in fact and in law, the same line as that established by, under and pursuant to the authority of the aforesaid Acts of Congress of 1807 and 1895, as amended, all as set forth in paragraphs 9 and 10 above.

12.

The said defendants above-named, well knowing of Louisiana's title to and ownership of said submerged lands and natural resources and of its possession and control thereof, within the said historic boundary three leagues from coast have nevertheless combined, confederated and conspired to trespass upon and slander plaintiff's title to the said property and to deprive the plaintiff of its possession thereof as will be hereinafter shown.

13.

The said corporate defendants named in paragraph 2 of this petition with full knowledge of Louisiana's title to and ownership of said lands and resources have requested the defendant Edward Woozley to advertise said lands for lease to interested parties so that the said corporate defendants might bid therefor and secure leases thereon for exploitation, development and pro-

duction of oil, gas and other minerals under the pretext that the said lands belong to the United States when they well know, and are charged with knowing that the said submerged lands and natural resources belong to the State of Louisiana.

Pursuant to the said unlawful combination and conspiracy to slander the title of the State of Louisiana of said lands and to trespass upon the same to the irreparable damage and injury to the plaintiff, the said defendant Edward Woozley on Saturday March 17, 1956, published a notice in the Federal Register at pages 1702 et seq. requesting sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, in New Orleans, Louisiana, namely, the defendant Sidney Groom, for the lease of certain areas adjacent to and within the territorial waters and submerged lands of the State of Louisiana totaling approximately 355,000 acres, as will appear from a copy of the Federal Register under date of Saturday, March 17, 1956, attached hereto and made a part hereof. Said notice calls attention to the fact that certain tracts "are limited by the line that marks the seaward boundary of the State of Louisiana, as established by the Submerged Lands Act of May 22, 1953 (67 Stat. 29: 43 U. S. C. 1312) and, that pending final determination of the position of the boundary, the acreage shown in the notice will be administratively considered to be the acreage situated on the "Outer Continental Shelf". But said defendant thereby contends that, although the boundary of the State of Louisiana is not known, the lands covered by the notice and lying within the territorial waters and submerged lands of the

State will nevertheless be offered for lease for oil, gas and other minerals.

14.

Plaintiff now shows that the defendant Sidney Groom in furtherance of said combination and conspiracy to deprive the State of Louisiana of its lands and minerals and to slander its title thereto will, unless restrained by this Court, proceed to receive bids addressed to him at his office in New Orleans, Louisiana and will open bids therefor on May 15, 1956, in the Claiborne Room of the St. Charles Hotel, New Orleans, Louisiana, in accordance with the said notice and advertisement of the Federal Register referred to hereinabove, and acting under the supervision of the defendant Edward Woozley will deliver bids made by said corporate defendants to said Woozley who will award leases to the corporate defendants named in paragraph 2 above for recordation and for drilling operations to the damage and injury to the State of Louisiana, unless restrained by this Honorable Court. In this connection petitioner shows that a substantial portion of said lands and minerals lie in Cameron Parish and within the jurisdiction of this Honorable Court.

15.

The said defendants, without any statutory authority whatever, and in violation of the positive enactments of Congress and of the legal rights of plaintiff are seeking to invade and take property and property rights and natural resources belonging to the State of Louisiana, and

unless restrained by this Court, will, pursuant to said advertisement made by them, receive bids on said property and will, on May 15, 1956, award leases to acceptable bidders therefor, which said bidders will thereafter proceed to drill, produce and transport off of said properties oil, gas and other minerals belonging to the State of Louisiana to its irreparable damage and injury.

16.

The aforesaid acts of the said defendants in procuring the advertisement of, and in advertising plaintiff's properties within its inland waters and inside its historic boundary three leagues from coast in the Gulf of Mexico for lease for the production of oil, gas and other minerals and in trespassing upon and slandering plaintiff's title thereto has cast such a cloud upon plaintiff's title to said properties that plaintiff has been unable to and will be unable to make leases of the said properties which said damages cannot be measured in terms of money, and the plaintiff has suffered and will continue to suffer irreparable loss, harm and injury thereby.

17.

Not only have said individual defendants, Edward Woozley and Sidney Groom tortiously and unlawfully slandered and clouded plaintiff's title to and ownership of said properties by advertising said lands for mineral development in conspiracy with said corporate defendants, as aforesaid, but in furtherance of their plan and design unlawfully to deprive the State of Louisiana of its sub-

merged lands and natural resources as recognized and quitclaimed by the Submerged Lands Act of Congress, and to cause the State of Louisiana irreparable harm, loss, damage and injury they have also widely publicized and published ominous threats that they will take legal action against any corporation, firm or individual who may lease from the State of Louisiana, and who may take possession of any submerged lands extending more than three miles from Louisiana's shoreline pursuant to lease agreements which the State desires and expects to make covering said properties. Said threats have already caused and if continued or carried out, will continue to cause great and irreparable harm to plaintiff and has made and will continue to make it impractical if not impossible for plaintiff to lease and develop its submerged lands within its inland waters and inside its historic boundary three leagues from coast in the Gulf of Mexico.

18.

Unless restrained by writs of injunction issued by this Court, defendants without any legal right so to do will continue to offer said submerged lands belonging to the plaintiff for leasing and mineral development and will continue to make threats against lessees and prospective lessees of the State of Louisiana to its irreparable harm, loss, damage and injury as aforesaid.

19.

The aforesaid unlawful combination and conspiracy between said defendants to slander

Louisiana's title to its said properties, to trespass thereon and to unlawfully lease the same for mineral development and take minerals therefrom has been going on for twelve months or more, and pursuant thereto the individual defendants Edward Woozley and Sidney Groom did on and prior to July 12, 1955, offer for lease more than 283,000 acres of submerged lands belonging to plaintiff in the said area three leagues from its coast line for exploitation and development for oil as a result of previous plans and arrangements made by them with the corporate defendants herein named; and through such unlawful combination the said corporate defendants did secure said leases on the false pretext that said lands belonged to the United States when they had been previously notified by State officials, and well knew that the same were claimed by, and belong to, the State of Louisiana. Said corporate defendants offered joint bids for many of said leases pursuant to said unlawful combination and conspiracy, and plan to jointly bid for leases which the individual defendants will offer on May 16, 1956. Petitioner has through its State Mineral Board made protest to the individual defendants against the leasing and offering for lease of lands belonging to Louisiana prior to the offering, or public bidding, on July 12, 1955, and has recently made a similar protest against the lease offering scheduled for May 15, 1956. Said protests were given wide publicity in the National and State Press and are well known to said corporate defendants. The said corporate defendants, unless restrained by this Court will proceed to take oil, gas and other

minerals from said property to the irreparable injury of plaintiff. As a result of said actions of the defendants, plaintiff has been unable to secure bids for leases on its said properties, although it has advertised the same and endeavored to secure bidders therefor. Plaintiff has thereby suffered a loss of revenues which cannot be measured or estimated in money.

20.

The threatened irreparable damage and injury to plaintiff is immediate and imminent, and in order to protect plaintiff's rights in the premises until a hearing of this cause can be had and the issues determined by this Court, a temporary restraining order should be issued against the said individual defendants enjoining them from proceeding further with the advertisement of said properties for mineral leasing and development and from awarding such leases to any acceptable bidders as the defendants propose to do on May 15, 1956, and enjoining and prohibiting the said corporate defendants from bidding or offering bids for, and from entering into any purported mineral leasing contracts with said personal defendants as purported agents acting in violation of law, and also from entering upon the lands described in said advertisement within the boundary of the State of Louisiana for purported mineral leasing or for the purposes therein contemplated, or for any other related and unauthorized purposes, except with the permission and agreement of plaintiff, the State of Louisiana, as owner of said submerged lands and mineral resources.

21.

Petitioner annexes hereto and makes part hereof the affidavits of Honorable Fred S. LeBlanc, Attorney General of the State of Louisiana, and C. J. Bonnecarrere, Secretary of the Mineral Board of the State of Louisiana, as supporting proof of the facts hereinabove alleged and in verification of this petition.

22.

The defendant Edward Woozley is a non-resident of the State of Louisiana and it is necessary that a curator ad hoc be appointed to represent him in these proceedings.

WHEREFORE, plaintiff prays that a temporary restraining order issue herein immediately, and before a hearing, enjoining, restraining and prohibiting the defendants named in the foregoing petition, and any and all persons acting by, through or under them, or any of them from disturbing plaintiff's possession, enjoyment and administration of the submerged lands and natural resources and property rights described in this petition, or slandering plaintiff's title thereto, and restraining and prohibiting the individual defendants from offering for lease said submerged lands and natural resources within Louisiana's historic boundary three leagues from coast in the Gulf of Mexico or from receiving, accepting, opening, or awarding bids for leasing same for the development and production of minerals, and from further threatening plaintiff's lessees from going upon said submerged lands and operating

to develop the same, and enjoining and prohibiting the said corporate defendants from bidding or offering bids for, and from entering into any purported mineral leasing contracts with said personal defendants as purported agents acting in violation of law, and also from entering upon the lands described in said advertisement within the boundary of the State of Louisiana for purported mineral leasing or for the purposes therein contemplated, or for any other related and unauthorized purposes, except with the permission and agreement of plaintiff, the State of Louisiana, as owner of said submerged lands and mineral resources.

Plaintiff further prays that the said defendants be ordered to show cause on a day to be fixed by this Honorable Court why a preliminary injunction should not issue herein, enjoining, restraining and prohibiting them and any and all persons acting by, through or under them from doing any of the acts and things described and set forth in the preceding paragraph.

Plaintiff further prays that a curator ad hoc be appointed to represent the absent defendant Edward Woozley and that the defendants and said curator be duly cited to appear and answer this petition, and that after due proceedings had there be judgment herein in favor of the plaintiff, the State of Louisiana, and against the defendants herein named recognizing plaintiff's right of ownership, possession, administration and jurisdiction to the submerged lands and natural resources and property rights described in this petition and lying within its historic boundary,

three marine leagues from coast in the Gulf of Mexico, as recognized and quitclaimed to plaintiff by the Submerged Lands Act of Congress of May 22, 1953, 67 Stat. 29, 43 U. S. C. 1312; that in due course a permanent injunction be issued herein restraining and enjoining the said defendants, their officers, agents, servants and employees from trespassing on, or slandering the title to, or interfering in any manner with the plaintiff's right of ownership, possession, administration and jurisdiction of the submerged lands and natural resources and property rights described herein, and from further advertising the same for mineral leasing and from leasing or offering to lease the same for development and production of minerals.

Plaintiff further prays for all orders and decrees necessary and for full and general relief.

FRED S. LEBLANC,
Attorney General, State of Louisiana.
JACK P. F. GREMILLION,
Attorney General-Elect,
Special Assistant Attorney General.
EDWARD M. CARMOUCHE,
Special Assistant Attorney General.
W. SCOTT WILKINSON,
Special Counsel.
LEANDER H. PEREZ,
Special Counsel.
JOHN L. MADDEN,
Assistant Attorney General.

APPENDIX B

14th Judicial District Court, Parish of Calcasieu

No. 38780

STATE OF LOUISIANA

vs.

ANDERSON-PRICHARD OIL CORPORATION, ET AL.

TEMPORARY RESTRAINING ORDER

The Court considering the verified petition of the State of Louisiana, Plaintiff, and evidence submitted in support thereof, that said State is the holder and owner of the fee simple title to the submerged lands and natural resources lying within and extending 3 leagues seaward from its coast line into the Gulf of Mexico, and the exercise by said State of exclusive ownership, possession, use and administration of said lands and natural resources continuously since said State was admitted into the Union by Act of Congress of April 8, 1812; that said coast line or outer boundary of its inland waters was designated by the agency of the federal government authorized by the Acts of Congress of February 10, 1807 and February 19, 1895, and that the defendants, well knowing of Louisiana's title to and ownership of Louisiana's submerged lands and natural resources and of its possession and administration thereof within its said boundary, have,

nevertheless, unlawfully conspired to deprive the State of said lands and resources and have pursuant thereto, trespassed upon and slandered plaintiff's title to its said property by leasing more than 283,000 acres and said Edward Woozley and Sidney Groom are offering to lease to any interested parties by public advertisements approximately 355,000 additional acres of said submerged lands for exploitation, development and production of minerals therefrom, all without statutory authority and in violation of the positive enactments of Congress on the subject and of the legal rights of plaintiff, and that said defendants, Edward Woozley and Sidney Groom, have further publicly threatened legal action against any person, firm or corporation who may lease said submerged lands from the State of Louisiana and who may take possession thereof under said leases, all to the great and irreparable harm, loss, damage and injury to the said State and that such irreparable harm and injury is imminent due to the fact that said defendants' proposed leasing of said submerged lands is scheduled to take place on May 15, 1956, and there is insufficient time for a hearing on plaintiff's complaint and application for injunction herein;

THEREFORE:

IT IS ORDERED that a temporary restraining order issue forthwith, restraining and prohibiting the defendants, Edward Woozley and Sidney Groom, and any and all persons acting by, through or under them, or either of them from disturbing the State of Louisiana's possession, use, enjoyment

and administration of said submerged lands and natural resources within its said alleged historic gulfward boundary 3 leagues from said coast line into the Gulf of Mexico and from advertising and offering for leasing, receiving, forwarding, or accepting bids for leases, or from leasing said submerged lands and natural resources, and from further threatening plaintiff's lessees, pending the further orders of this Court.

IT IS FURTHER ORDERED that a temporary restraining order issue, forthwith, restraining and prohibiting the defendants, Anderson-Prichard Oil Corporation, The California Oil Co., Continental Oil Co., Cities Service Production Co., Atlantic Refining Co., Tidewater Associated Oil Co., Forest Oil Corporation, Gulf Refining Company, Humble Oil & Refining Co., Hunt Oil Company, Kerr-McGee Oil Ind. Inc., Magnolia Petroleum Co., The Ohio Oil Co., Pan-American Production Co., Phillips Offshore Oil Co., Placid Oil Company, the Pure Oil Company, Seaboard Oil Company, Shell Oil Company, Sinclair Oil & Gas Co., Stanolind Oil & Gas Co., The Superior Oil Co., Sun Oil Company, The Texas Company, and Union Oil Company of California, their officers, agents, attorneys and employees, and any and all persons acting by, through, or under them, or any of them, from bidding for, receiving or accepting leases on said submerged lands and natural resources within the alleged historic boundaries of the State of Louisiana three leagues or 10.36 miles, from its coast line to the Gulf of Mexico, or from going on said lands or conducting drilling operations thereon for the

discovery or production of minerals, or slandering the title of the State of Louisiana thereto, or disturbing in any way the State of Louisiana's title, possession, use, enjoyment and administration thereof without its consent.

IT IS FURTHER ORDERED that W. W. Bell, Jr., an Attorney at Law, of Lake Charles, Louisiana, be and he is appointed Curator ad Hoc to represent the absent defendant, Edward Woozley.

IT IS FURTHER ORDERED that a rule be issued to said defendants, and to said Woozley through said Curator ad Hoc and that they be required on May 16th, 1956, 10:00 A. M., to answer this complaint and to show cause why a preliminary injunction should not be issued as above, and as prayed for in plaintiff's petition herein.

Done and signed on this 11th day of May, 1956.

MARK C. PICKREL, *Judge.*

U. S. GOVERNMENT PRINTING OFFICE: 1956